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Admitted:

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November 1, 2024

VIA ECF ONLY

Honorable James M. Wicks
U.S. Federal District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *Anthony Deo, et al., v. Ronald Baron, et al.*
Case No. 2:24-cv-06903 (JW)

Your Honor:

Please be reminded that this office represents Anthony Deo, Sara Deo, 189 Sunrise Hwy Auto LLC (hereinafter “189 Sunrise”) and NorthShore Motor Leasing LLC (hereinafter “NorthShore”), plaintiffs in the above referenced action (the “Deo Plaintiffs”).

This morning I saw an email from Mr. Kataev sent late yesterday raising questions about the Magistrate Consent process. Candidly, I believe this to be just another instance of mischief making, likely designed to reveal the parties’ positions on this matter wrongfully. But to clarify to all parties with representation on the docket in this case, and to also clarify to the Court, please be advised as follows:

1. I was supposed to be away from Friday, October 25, 2024, through Tuesday, October 29, 2024. The Court issued its order regarding Magistrate Consent and I definitely saw that order while I was away. Since I did not bring my laptop with me this weekend, I returned a day early, on Monday, October 28, 2024, just to deal with that order.
2. Please be reminded that I was under a deadline of October 30, 2024, to provide a letter response to the Court on one or more issues, and with all of the competing requests for various relief being presented by the Defendants to this Court in the days and weeks leading up to October 30, I thought it was necessary for my letter to the Court to cover a number of issues. That letter and its contents speak for itself, but the issue of Magistrate Consent is inextricably tied to other issues necessarily before the Court by the date of that letter.

3. So when I returned on Monday, October 28, I thought it was vital to obtain everyone's position on Magistrate Consent by the close of business on Tuesday, October 29 in order to be able to timely complete my letter to the Court the next day.
4. Therefore, on Monday, October 28, 2024, rather than sending out an email to everyone trying to arrange any type of actual/virtual meeting on less than twenty-four (24) hours' notice, I just sent an identical email to each person with an appearance on the docket of this case, as follows:

"Please let me know by the close of business tomorrow whether your client, _____, will consent (or not) to magistrate jurisdiction. I will not reveal your answer to anyone else in the case; the Court has ordered us/me to inform the Court regarding whether or not there will be consent later this week. Thank you."

5. By the close of business on Tuesday, October 29, 2024, I heard from every person I emailed, including Mr. Kataev, and each of the parties with an appearance in this case as set forth on the docket of this Court told me their clients' respective positions on this subject without objection. I also specifically spoke to my clients on the subject, and they informed me of their respective positions on Magistrate Consent.
6. My correspondence with the Court dated October 30, 2024, accurately informs the Court of the results of conferring with everyone on Magistrate Consent, and I can further tell the Court that there are multiple parties to this action who object to Magistrate jurisdiction, there is one party to this action who will not consent to nor oppose Magistrate jurisdiction, and there are multiple parties to this action not yet represented on the docket to express themselves on the subject prior to decisions being rushed before the Court.
7. Given that Magistrate jurisdiction can impact the issues set forth by the parties on (*inter alia*) consolidation and dismissal, given that I needed to address those and other issues in my October 30 correspondence/motion letter to the Court, given that I had only twenty-four hours available to me to deal with the issue upon return from being out of town, given that Mr. Kataev dealt with the issue similarly in the other Federal action last year before I was removed as counsel in that case (he called me on the phone without anyone else on that call; that is how I gave my clients' consent last year), given that everyone did, in fact, answer my email timely and without objection, and given that multiple parties are denying such consent, one took no position, and other parties are not yet represented on the docket, I already know that there is not unanimous consent to a Magistrate handling this case in its entirety, and I have no reason to believe that position is going to change under any circumstances.

Accordingly, I again inform this Court that there is no consent to Magistrate jurisdiction in this case, and therefore, a Senior Judge will need to be assigned on this matter. If the Court needs me to do anything else on this subject, please let me know at your earliest convenience as I will be happy to comply.

I remain,

Very truly yours,

/S/

Harry R. Thomasson